



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** The Forestry Association, Inc.  
**File:** B-237225  
**Date:** October 19, 1989

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### DIGEST

1. Protest that labor law requirements are not being complied with by awardee is a matter for consideration by the Department of Labor and not by the General Accounting Office.
2. Allegation of collusive bidding is a matter for the Justice Department, and will not be considered by General Accounting Office under its bid protest function.

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### DECISION

The Forestry Association, Inc., protests the award of a contract to Stacey Harris and Associates under request for quotations (RFQ) No. R3-01-89-50, issued by the Department of Agriculture for work in the Apache-Sitgreaves National Forests.

We dismiss the protest.

Forestry Association alleges that Stacey Harris illegally retains its personnel as subcontractors rather than as employees. Forestry Association also asserts that Stacey Harris and its subcontractors collude with each other to fix prices.

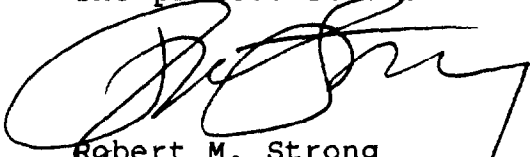
In our recent decision, The Forestry Assoc., Inc., B-236240, Sept. 28, 1989, 89-2 CPD ¶ \_\_\_\_\_, we considered a similar allegation from Forestry Association that Stacey Harris retains its personnel as independent contractors in order to avoid various requirements such as accounting for wages, benefits and overtime pay, paying certain taxes and withholding income taxes. We declined to review these allegations because, in effect, we were being asked to consider the contracting officer's affirmative determination of responsibility which our Office will not review absent a showing that such determination was made fraudulently or in bad faith or that definitive responsibility in the

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solicitation were misapplied. Id. In that decision, we also pointed out that our Office does not review the implementation of the Fair Labor Standards Act or the Service Contract Act. We stated that the protester's allegations with regard to the application of the statutory requirements should be raised with the Wage and Hour Division in the Department of Labor, the agency which is statutorily charged with the responsibility for the implementation of the Acts. See 29 U.S.C. § 204; 41 U.S.C. § 353(a); Associated Naval Architects, Inc., B-221203, Dec. 12, 1985, 85-2 CPD ¶ 652.

Regarding Forestry Association's allegation of collusive bidding, we do not consider this matter under our bid protest function as this is for the Justice Department's consideration. Incore, Inc., B-236997, Oct. 13, 1989, 89-2 CPD ¶ \_\_\_\_.

The protest is dismissed.



Robert M. Strong  
Associate General Counsel